

DARBY &
DARBY

805 Third Avenue
New York, NY 10022
Tel: (212) 527-7700
Fax: (212) 753-6237

E-MAIL:

FILE #: 01946/1006191-US 1DATE: 8/28/06NUMBER TRANSMITTING TO: 571-273-0459RECIPIENT: PCT Legal DeptCOMPANY: Patent & Trademarks OfficeFROM: Flynn Barrison

RECEIVED

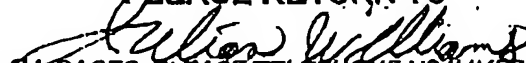
28 AUG 2006

Legal Staff
International DivisionNO. OF PAGES TRANSMITTING
(INCLUDING COVER SHEET)*: 10CONFIRMATION OF THIS TRANSMISSION WILL FOLLOW BY
FIRST CLASS MAIL (Y/N): No

COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE SO THAT WE CAN ARRANGE FOR THE RETRIEVAL OF THIS DOCUMENT AT NO COST TO YOU. THANK YOU.

PLEASE RETURN TO



* IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (212) 527-7774

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper or, if this paper is a transmittal letter, every other paper or fee referred to therein, is being facsimile transferred to the Commissioner for Patents & Trademarks at the United States Patent and Trademark Office, Alexandria, VA 22313-1450, at 703-308-7751 on the date shown below.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Date Name

Signature

Customer No.: 07278

Docket No.: 01946/100K191-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Satej Bhandarkar et. al.

Serial No.: 10/501,205

Filed: January 4, 2005

For: POLYMORPHS OF SODIUM 4-[(4-CHLORO-2-HYDROXYBENZOYL) AMINO] BUTANOATE
-----**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is:

☒ incorrectly entered and/or
☐ omitted.

Error in	Correct data
<input type="checkbox"/> Applicant's name	
<input checked="" type="checkbox"/> Applicant's address	Satej Bhandarkar, Downingtown, PA Shingai Majuru, Brewster, NY Halina Levchik, Croton On Hudson, NY
<input checked="" type="checkbox"/> Title	POLYMORPHS OF SODIUM 4-[(4-CHLORO-2-HYDROXYBENZOYL) AMINO] BUTANOATE
<input type="checkbox"/> Filing Date	
<input type="checkbox"/> Application Number	
<input type="checkbox"/> Foreign/PCT Application Re:	
<input type="checkbox"/> Other	

Remarks:

Enclosed please find a copy of the Supplemental Application Data Sheet.

The Commissioner is respectfully requested to issue a new and correct Filing Receipt.

Respectfully submitted,

Dated: August 25, 2006



Flynn Barrison
Reg. No. 53,970
Agent for Applicant(s)

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
212-527-7700


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	APT UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/501,205	01/04/2005	1621	3240	01946/100K191-US1	28	23	11

07278
 DARBY & DARBY P.C.
 P. O. BOX 5257
 NEW YORK, NY 10150-5257

CONFIRMATION NO. 3478

CORRECTED FILING RECEIPT

OC000000019985328

Date Mailed: 08/10/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Satej Bhandarkar, Downingtown, PA;
 Shingai Majuru Brewster, NJ;
 Halina Leuchy, Croton On Hudson, NY;

Assignment For Published Patent Application

Emisphere Technologies, Inc., Tarrytown, NY

Power of Attorney: The patent practitioners associated with Customer Number **07278**.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/00878 01/09/2003
 which claims benefit of 60/347,610 01/09/2002

Foreign Applications

If Required, Foreign Filing License Granted: 08/10/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/501,205**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Polymorphs of sodium 4-{4-chloro-2-hydroxybenzoyl} amino} butanoate

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 134 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Supplemental Application Data Sheet**Application Information**

Application number::	10/501,205
Filing Date::	01/04/05
Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	424/489
Suggested Group Art Unit::	N/A
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	POLYMORPHS OF SODIUM 4-[(4-CHLORO-2-HYDROXYBENZOYL) AMINO] BUTANOATE
Attorney Docket Number::	01946/100K191-US1
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	1
Total Drawing Sheets::	31
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	India
Status::	Full Capacity
Given Name::	Satej
Family Name::	Bhandarkar
City of Residence::	Downingtown

State or Province of Residence:: PA
Country of Residence:: US
Street of mailing address:: 1015 Chiswell Drive
City of mailing address:: Downingtown
State or Province of mailing address:: PA
Postal or Zip Code of mailing address:: 19335

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Zimbabwe
Status::	Full Capacity
Given Name::	Shingai
Family Name::	Majuru
City of Residence::	Brewster
State or Province of Residence::	NY
Country of Residence::	US
Street of mailing address::	2 Blaney Road
City of mailing address::	Brewster
State or Province of mailing address::	NY
Postal or Zip Code of mailing address::	10509

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Halina
Family Name::	Leuchyk Levchik
City of Residence::	Croton On Hudson
State or Province of Residence::	NY
Country of Residence::	US
Street of mailing address::	51 Hamison Street
City of mailing address::	Croton On Hudson

State or Province of mailing address:: NY
Postal or Zip Code of mailing address:: 10520

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Puchun
Family Name:: Liu
City of Residence:: Chappaqua
State or Province of Residence:: NY
Country of Residence:: US
Street of mailing address:: 20 Breckenridge Road
City of mailing address:: Chappaqua
State or Province of mailing address:: NY
Postal or Zip Code of mailing address:: 10514

Correspondence Information

Correspondence Customer Number:: 53696

Representative Information

Representative Customer Number:: 53696

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	National Stage of	PCT/US2003/000878	01/09/03
PCT/US2003/000878	An application claiming the benefit under 35 USC 119(e)	60/347,610	01/09/02

Foreign Priority Information**Assignee Information**

Assignee name:: Emisphere Technologies, Inc.
Street of mailing address:: 765 Old Saw Mill River Road
City of mailing address:: Tarrytown
State or Province of mailing address:: NY
Postal or Zip Code of mailing address:: 10591